

Notice of Allowability

Application No.

09/913,160

Applicant(s)

YOSHIMURA ET AL.

Examiner

Art Unit

Tina M Lin

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment received 30 April 2004.
2. The allowed claim(s) is/are 1,2,4-6 and 8-16.
3. The drawings filed on 03 November 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
7. IDENTIFYING INDICIA such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date _____.
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
 Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Applicant's arguments filed on 30 April 2004 have been fully considered. By the cancellation of the rejected claims stated in the previous Office action, mailed 02 February 2004 paper number 012004, this application is now in conditions for allowance.

Examiner's Statement Of Reasons For Allowance

The following is an examiner's statement of reasons for allowance: In regards to claims 1, 2, 4-6 and 8-16, as stated in the previous Office action, mailed 02 February 2004 paper number 012004, as restated below, the prior art of record in this application fails to disclose or reasonably suggest an optical semiconductor module with all the structural limitations of claim 1. Specifically, the prior art of record in this application fails to disclose a lens held by the first member between the semiconductor element and the optical fiber. Furthermore, if the lens were to be moved in order to allow for the first member to secure it, there would be a structural difference. The closest prior art of record is U.S. Patent 5,127,074 to Watanabe et al. In Figure 1, Watanabe et al. teaches an optical semiconductor module comprising a mounting member with an element mounting surface and contact surface, a first tubular member, a second tubular member, an optical semiconductor element, and an optical waveguide optically coupled to the semiconductor element. Additionally, it can be observed from Figure 1, a third member having an opening for the optical fiber to extend through the first and second end faces of the ferrule. Furthermore, Watanabe et al. teaches an optical semiconductor module with a lens between a waveguide and semiconductor element and where this semiconductor element is a light emitting element. Finally, Watanabe et al. teaches an annular connecting portion to surround the optical axis of the optical semiconductor element. But Watanabe et al. fails to disclose the outer edge of a first portion to be located inside the edge of the mounting member. Watanabe et al. however

does disclose of the first portion to line up with the edge of the mounting member. Watanabe further fails to disclose a lens held by the first member between the semiconductor element and the optical fiber.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M Lin whose telephone number is (571) 272-2352. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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John D. Lee
John D. Lee
Primary Examiner